

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CINDY M. E.,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C18-5362 RSM

**ORDER GRANTING STIPULATED
MOTION TO REOPEN AND
ENTER JUDGMENT**

This matter comes before the Court on Defendant's Stipulated Motion to Reopen and Enter Judgment. Dkt. 57.

In February 2019, the Honorable Mary Alice Theiler, United States Magistrate Judge, issued a Report and Recommendation (R&R) affirming the Commissioner's denial of Plaintiff's Social Security Benefits. Dkt. 16. After the Court adopted Judge Theiler's R&R, Plaintiff appealed. Dkts. 19–22.

On March 31, 2021, the Ninth Circuit Court of Appeals issued a memorandum decision concluding that administrative review of Plaintiff's application had not enjoyed the benefit of the Ninth Circuit's decision in *Revels v. Berryhill*, 874 F.3d 648 (9th Cir. 2017). Dkt. 27. The Ninth Circuit therefore ordered that the Commissioner's prior decision be vacated and that the matter be remanded for reconsideration by the ALJ. *Id.* at 3. Accordingly, this Court ordered that

1 pursuant to sentence six of 42 U.S.C. § 405(g), the matter was remanded for further
2 administrative proceedings in a manner consistent with the Ninth Circuit Court of Appeals'
3 memorandum decision. Dkt. 29. The Court did not issue a final judgment. *See* Dkt. 30.

4 On August 2, 2023, Defendant filed this Motion, stating that on remand, the ALJ found
5 Plaintiff was not disabled prior to September 7, 2012, but became disabled beginning September
6 7, 2012. Dkt. 57 at 1. Accompanying Defendant's Motion was a copy of Plaintiff's partially
7 favorable administrative decision. Dkt. 58-1.

8 Based on the stipulation of the parties and good cause shown, and in light of the partially
9 favorable decision on Plaintiff's claim for disability benefits, it is hereby ORDERED
10 that this matter is reopened. Further, consistent with the partially favorable final decision of the
11 Commissioner of Social Security, dated May 26, 2023, judgment is entered in favor of Plaintiff
12 pursuant to sentence four of 42 U.S.C. § 405(g).

13 DATED this 15th day of August, 2023.

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16 RICARDO S. MARTINEZ
17 UNITED STATES DISTRICT JUDGE
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